

11. Sharon Gorsich
12. Sean Thibault
13. Chad Soleo
14. ~~Steve Cohn~~ [\[1\]](#)
15. Annabelle Eliashiv

iPhones store texts as an SQLite database, and that format is preferable. I understand that the export process might be slightly difficult so I'm certainly willing to accept straight text or csv as a compromise if it will make production easier. Screenshots are not acceptable per the CPRA at sections 6253.9(a) and 6253(b). I don't know how Android phones store text messages, but there are any number of apps available to export texts as either text files or csv files, and either is acceptable to me.

Request No. 6 (July 6, 2019 at 7:12 am):

I am writing to seek the opportunity to look at emails from between January 1, 2018 and June 30, 2019 in the possession of anyone on the first list below and anyone at calstrat.com. I will also need to see all attachments to these emails in their native formats:

1. Dr. Cristina de Jesus
2. Annette Gonzalez
3. Leilani Abulan
4. Dr. Gordon Gibbings
5. Damon Hands
6. Dr. Alyce Prentice
7. Xochitl Avellán
8. Taiala Carvalho Regnier
9. Meghan Maguire
10. Julio Murcia
11. Sharon Gorsich
12. Sean Thibault
13. Chad Soleo
14. Annabelle Eliashiv

In emails sent to you on July 9, 2019, and July 15, 2019, I informed you that due to the unusual circumstances, additional time was needed pursuant to California Government Code Section 6253(c) to provide you with Green Dot's initial response to your numerous requests. This email constitutes Green Dot's response as required by California Government Code Section 6253(c).

Green Dot has determined that your requests, in part, seek disclosable records. As to your Request No. 5, Green Dot has no responsive records. As to Requests Nos. 1, 2, 3, 4, and 6, such requests are overly broad pursuant to California Government Code Section 6253(b) and overly burdensome pursuant to California Government Code section 6255(a), *Fredericks v. Superior Court* (2015) 233 Cal.App.4th 209, and *Bertoli v. City of Sebastopol* (2015) 233 Cal.App.4th 353.

The PRA, as you are aware, generally provides members of the public with the ability to request inspection or copies of public records. However, this ability under the PRA is not limitless. There are many exemptions from the PRA disclosure requirements. For instance, relevant here, records need not be disclosed where "the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record." (Cal. Gov. Code, § 6255(a).) One example of this was in *Fredericks*, *supra*, where the Appellate Court noted that the PRA may not require disclosure given the fiscal and workload burden being imposed by the agency by the request. In *Fredericks*, the public agency indicated that it would take several full work weeks for an employee to review and disclose the requested records.

In *Bertoli*, *supra*, the Appellate Court stated that while a public agency is obligated to disclose public records that can be located with reasonable effort, it cannot be subjected to a "limitless" obligation. Expense and inconvenience to an agency, the Court noted, should be reviewed when determining if disclosure of records may be excused as overly burdensome under California Government Code Section 6255.

Green Dot has and will continue to provide complete responses to PRA requests where possible. However, your overly broad requests include over 25,000 emails in accumulation and impose financial and workload burdens that interfere with Green Dot's responsibility of providing a public education to students, along with the many services and obligations that go along with being a charter school entity.

Further, the public interest in providing public education and services to students outweighs the public interest in your overly broad PRA requests for very general information that could be considered by some to be a "fishing expedition." Each of those over 25,000 emails will need to be reviewed individually so that Green Dot protects student privacy pursuant to the Family Educational Rights and Privacy Act ("FERPA") along with other state confidentiality laws. Green Dot estimates that such an obligation will take approximately 1,200 hours (estimating three minutes for review and possible redaction of each email) of employee time.

Green Dot understands its obligation under the PRA to assist you with making a focused and effective request that would facilitate identification of responsive records. (Cal. Gov. Code, § 6253.1.) If, at any time, you would like to clarify your request or narrow your Requests nos. 1, 2, 3, 4, or 6, to be reasonable, please provide your amended request and Green Dot will review. However, please be aware that your continuous requests have now become overly burdensome in that our prior responses have taken valuable time and resources away from our earlier stated responsibilities to our students. Whether your requests are made one at a time on an hourly, daily, or weekly basis, or made all at once, the same amount of resources must go into the responses. Since March 18, 2019, you have emailed Green Dot 24 times containing separate PRA requests requiring 1,063 searches for records. Green Dot believes the public interest in your requests is now outweighed by the public interest in providing students an education.

Thank you for your attention to this matter. Should you have any questions or wish to clarify your foregoing requests, please feel free to contact me at 323-565-1600 or keith.yanov@greendot.org. Please note that I will be out of the office from July 20 to August 4, 2019. During that time, you may contact Wayne Strumpfer at Young, Minney & Corr at wstrumpfer@mycharterlaw.com if you have any questions or wish to clarify your requests.

Sincerely,

Keith Yanov
General Counsel
Green Dot Public Schools National
1149 S. Hill St., Ste. 600
Los Angeles, CA 90015
Mobile: 310.850.7950
Fax: 323.576.5787



-----Original Message-----

From: [REDACTED]
Sent: Monday, July 15, 2019 5:19 PM
To: Keith Yanov <keith.yanov@greendot.org>
Subject: Re: CPRA request (GD.2019.07.06.e)

thanks!

On Mon, Jul 15, 2019, at 4:30 PM, Keith Yanov wrote:

>
> Dear [REDACTED]:
>
>
> This email constitutes Green Dot Public Schools California's ("Green
> Dot") initial response to your multiple emails sent on July 5 and 6,
> 2019 in which you requested records pursuant to the California Public
> Records Act ("PRA"), California Government Code Section 6250 et seq.
>
>
> At the outset, please be advised that the PRA does not require public
> agencies to make disclosable documents available within a certain time
> frame or by a set date established by the requestor. Rather, California
> Government Code Section 6253(c) merely requires that a public agency
> make an initial determination, with ten (10) days from receipt of the
> request, of whether it has disclosable records in its possession that
> are responsive to the request.
>
>
> _Request No. 6:_
>
>
> *I am writing to seek the opportunity to look at emails from between
> January 1, 2018 and June 30, 2019 in the possession of anyone on the
> first list below and anyone at calstrat.com. I will also need to see
> all attachments to these emails in their native formats:*>
> * *
>
> *1. Dr. Cristina de Jesus*
>
> *2. Annette Gonzalez*
>
> *3. Leilani Abulon*
>
> *4. Dr. Gordon Gibbings*
>
> *5. Damon Hands*
>
> *6. Dr. Alyce Prentice*
>
> *7. Xochitl Avellán*